

**UNPUBLISHED**

**UNITED STATES COURT OF APPEALS**

**FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,  
Plaintiff-Appellee.

v.

No. 98-4072

CARL GLOVER, a/k/a Champ Glover,  
Defendant-Appellant.

Appeal from the United States District Court  
for the District of South Carolina, at Columbia.  
Matthew J. Perry, Jr., Senior District Judge.  
(CR-96-690)

Submitted: August 11, 1998

Decided: August 28, 1998

Before WIDENER and WILLIAMS, Circuit Judges, and  
BUTZNER, Senior Circuit Judge.

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Dismissed by unpublished per curiam opinion.

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**COUNSEL**

Herbert W. Louthian, Jr., LOUTHIAN & LOUTHIAN, Columbia,  
South Carolina, for Appellant. Scarlett Anne Wilson, OFFICE OF  
THE UNITED STATES ATTORNEY, Columbia, South Carolina, for  
Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

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## OPINION

### PER CURIAM:

Carl Glover appeals from the district court's judgment convicting him of one count of conspiracy (21 U.S.C. §§ 841(a)(1), 846 (1994)) and two counts of distribution of cocaine base (21 U.S.C. § 841(a)(1) (1994)) pursuant to his guilty plea. Glover's attorney has filed a brief pursuant to Anders v. California, 386 U.S. 738 (1967), certifying that the appeal does not present any meritorious issues, but raising one issue: whether the district court erred by failing to consider mitigating circumstances in determining the appropriate sentence under the sentencing guidelines. Glover was informed of his right to file a pro se supplemental brief and has not done so. Because Glover's notice of appeal was untimely, we dismiss it for lack of jurisdiction.

The time period for filing notices of appeal in a criminal case is governed by Fed. R. App. P. 4(b). The ten-day period in which to file the notice of appeal is mandatory and jurisdictional. See United States v. Schuchardt, 685 F.2d 901, 902 (4th Cir. 1982). The only exceptions to the appeal period are when the district court extends the time to appeal under Rule 4(a)(6) or (b).

The district court entered its judgment on December 12, 1997; Glover's pro se notice of appeal was filed in the district court on January 27, 1998, which is beyond the ten-day appeal period.\* It was also beyond the additional thirty-day period in which the district court could extend the appeal period for excusable neglect. See Rule 4(b). At sentencing, Glover was informed that he had ten days in which to file a notice of appeal. Glover's failure to note a timely appeal or to obtain an extension of the appeal period leaves this court without jurisdiction to consider the merits of his appeal. We therefore dismiss

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\*The envelope in which Glover apparently mailed his notice of appeal is postmarked January 26, 1998.

the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED